

PATENT

REMARKS

Claims 1-4 are pending in the present application.

In the above amendments, claim 1 has been amended, and claims 5-16 have been canceled, without prejudice.

Claim Rejections - 35 U.S.C. § 102

Claims 1-16 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kazmi et al., U.S.2002/0159416 ("Kazmi").

With reference to independent claim 1, it is respectfully submitted that Kazmi does not teach nor suggest certain claimed features as now claimed.

In particular, it is respectfully submitted that Kazmi does not teach nor suggest the claimed feature "modifying the message to generate a **single modified message beginning with a Protocol Revision (P REV) field and ending with an Extended CDMA Frequency Assignment (EXT CDMA FREQ) field**" (emphasis added) as set forth in lines 5-7 of the claim. In one embodiment, the single modified message is, e.g., a sync channel message 200 having only the first portion 202 which begins with P_REV field and ends with EXT_CDMA_FREQ field, an example of which is shown in Fig. 2 of the drawings.

In stark contrast to the claimed invention, Kazmi teaches a TYPE I sync channel message 300 which specifically **excludes** the EXT_CDMA_FREQ field 206, see Figs. 2-3 and paragraph [0036], last 5 lines which specifically states "In order to correct this deficiency, in accordance with the present invention the EXT_CDMA_FREQ 206 field is **removed** from the IS-2000 sync message, and a first-type synchronization message is created and used in conjunction with at least a second-type synchronization message (emphasis added). Therefore, it is respectfully submitted that claim 1 (and dependent claims) is not anticipated within the meaning of 35 USC 102.

Nor is the above identified claimed feature suggested by Kazmi within the meaning of 35 USC 103 since Kazmi specifically teaches away from the modification by explicitly requiring the exclusion of the EXT_CDMA_FREQ field 206 within a TYPE I sync channel message, see MPEP 2145 (X.D.2 or page 2100-169) which states "References Cannot Be Combined Where Reference Teaches Away from Their Combination."

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PATENT**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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